

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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10 DANNY WILLIAMS, Case No. 3:16-cv-00759-MMD-VPC
11 v. Plaintiff, ORDER
12 ROMEO ARANAS, et al.,
13 Defendants.

I. DISCUSSION

17 On January 18, 2018, the Court issued a screening order in this removed case
18 dismissing some claims with leave to amend and permitting the action to proceed against
19 Defendant Aranas on the portion of Count I of the first amended complaint alleging
20 deliberate indifference to serious medical needs. (ECF No. 7 at 14.) The Court granted
21 Plaintiff thirty (30) days from the date of that order to file a second amended complaint
22 curing the deficiencies in the first amended complaint. (*Id.* at 15.) The Court specifically
23 stated that if Plaintiff chose not to file a second amended complaint, the action would
24 proceed only against Defendant Aranas on the portion of Count I of the first amended
25 complaint alleging a claim for deliberate indifference to serious medical needs. (*Id.*)
26 Plaintiff has chosen not to file an amended complaint. (ECF No. 8.) Pursuant to the
27 screening order, this action will proceed against Defendant Aranas on the portion of Count
28 I of the first amended complaint alleging deliberate indifference to serious medical needs.

1 **II. CONCLUSION**

2 For the foregoing reasons, it is ordered that pursuant to the Court's screening order
3 (ECF No. 7), this action will proceed against Defendant Aranas on the portion of Count I
4 of the first amended complaint alleging deliberate indifference to serious medical needs.

5 It is further ordered that given the nature of the claim(s) that the Court has
6 permitted to proceed, this action is stayed for ninety (90) days to allow Plaintiff and
7 Defendant an opportunity to settle their dispute before an answer is filed or the discovery
8 process begins. During this ninety-day stay period, no other pleadings or papers will be
9 filed in this case, and the parties will not engage in any discovery. This stay does not
10 extend to the Court's order directing the Attorney General's Office to advise the Court
11 whether it will enter a limited notice of appearance on behalf of Defendant Aranas, and
12 setting the deadline for Defendant to respond to Plaintiff's motions for a temporary
13 restraining order and preliminary injunction. (ECF No. 7 at 14.) The Court will refer this
14 case to the Court's Inmate Early Mediation Program, and the Court will enter a
15 subsequent order. Regardless, on or before ninety (90) days from the date this order is
16 entered, the Office of the Attorney General shall file the report form attached to this order
17 regarding the results of the 90-day stay, even if a stipulation for dismissal is entered prior
18 to the end of the 90-day stay. If the parties proceed with this action, the Court will then
19 issue an order setting a date for Defendant to file an answer or other response. Following
20 the filing of an answer, the Court will issue a scheduling order setting discovery and
21 dispositive motion deadlines.

22 It is further ordered that "settlement" may or may not include payment of money
23 damages. It also may or may not include an agreement to resolve Plaintiff's issues
24 differently. A compromise agreement is one in which neither party is completely satisfied
25 with the result, but both have given something up and both have obtained something in
26 return.

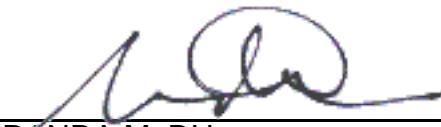
27 It is further ordered that if any party seeks to have this case excluded from the
28 inmate mediation program, that party must file a "motion to exclude case from mediation"

1 on or before twenty-one (21) days from the date of this order. The responding party will
2 have seven (7) days to file a response. No reply shall be filed. Thereafter, the Court will
3 issue an order, set the matter for hearing, or both.

4 It is further ordered that the Clerk of the Court shall electronically serve a copy of
5 this order, the original screening order (ECF No. 7), and a copy of Plaintiff's first amended
6 complaint (ECF No. 4) on the Office of the Attorney General of the State of Nevada, by
7 adding the Attorney General of the State of Nevada to the docket sheet. This does not
8 indicate acceptance of service.

9 It is further ordered that the Attorney General's Office must advise the Court within
10 twenty-one (21) days of the date of the entry of this order whether it will enter a limited
11 notice of appearance on behalf of Defendants for the purpose of settlement. No defenses
12 or objections, including lack of service, will be waived as a result of the filing of the limited
13 notice of appearance.

14 DATED THIS 24th day of January 2018.

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17 MIRANDA M. DU
18 UNITED STATES DISTRICT JUDGE
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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DANNY WILLIAMS.

Plaintiff,

v.

ROMEO ARANAS, et al..

Defendants.

Case No. 3:16-cv-759-MMD-VPC

**REPORT OF THE OFFICE OF THE
ATTORNEY GENERAL RE RESULTS OF
THE 90-DAY STAY**

**14 NOTE: ONLY THE OFFICE OF THE ATTORNEY GENERAL SHALL FILE THIS FORM.
THE INMATE PLAINTIFF SHALL NOT FILE THIS FORM.**

16 On _____ [the date of the issuance of the screening order], the Court
17 issued its screening order stating that it had conducted its screening pursuant to 28 U.S.C.
18 § 1915A, and that certain specified claims in this case would proceed. The Court ordered
19 the Office of the Attorney General of the State of Nevada to file a report ninety (90) days
20 after the date of the entry of the Court's screening order to indicate the status of the case
21 at the end of the 90-day stay. By filing this form, the Office of the Attorney General hereby
22 complies.

REPORT FORM

24 [Identify which of the following two situations (identified in bold type) describes the case, and follow the instructions corresponding to the proper statement.]

Situation One: Mediated Case: The case was assigned to mediation by a court-appointed mediator during the 90-day stay. [If this statement is accurate, check ONE of the six statements below and fill in any additional information as required, then proceed to the signature block.]

- ____ A mediation session with a court-appointed mediator was held on _____ [enter date], and as of this date, the parties have reached a settlement, even if paperwork to memorialize the settlement remains to be completed. (If this box is checked, the parties are on notice that they must SEPARATELY file either a contemporaneous stipulation of dismissal or a motion requesting that the Court continue the stay in the case until a specified date upon which they will file a stipulation of dismissal.)
 - ____ A mediation session with a court-appointed mediator was held on _____ [enter date], and as of this date, the parties have not reached a settlement. The Office of the Attorney General therefore informs the Court of its intent to proceed with this action.
 - ____ No mediation session with a court-appointed mediator was held during the 90-day stay, but the parties have nevertheless settled the case. (If this box is checked, the parties are on notice that they must SEPARATELY file a contemporaneous stipulation of dismissal or a motion requesting that the Court continue the stay in this case until a specified date upon which they will file a stipulation of dismissal.)
 - ____ No mediation session with a court-appointed mediator was held during the 90-day stay, but one is currently scheduled for _____ [enter date].
 - ____ No mediation session with a court-appointed mediator was held during the 90-day stay, and as of this date, no date certain has been scheduled for such a session.
 - ____ None of the above five statements describes the status of this case. Contemporaneously with the filing of this report, the Office of the Attorney General of the State of Nevada is filing a separate document detailing the status of this case.

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Situation Two: Informal Settlement Discussions Case: The case was NOT assigned to mediation with a court-appointed mediator during the 90-day stay; rather, the parties were encouraged to engage in informal settlement negotiations. [If this statement is accurate, check ONE of the four statements below and fill in any additional information as required, then proceed to the signature block.]

- The parties engaged in settlement discussions and as of this date, the parties have reached a settlement, even if the paperwork to memorialize the settlement remains to be completed. (If this box is checked, the parties are on notice that they must SEPARATELY file either a contemporaneous stipulation of dismissal or a motion requesting that the Court continue the stay in this case until a specified date upon which they will file a stipulation of dismissal.)

— The parties engaged in settlement discussions and as of this date, the parties have not reached a settlement. The Office of the Attorney General therefore informs the Court of its intent to proceed with this action.

- The parties have not engaged in settlement discussions and as of this date, the parties have not reached a settlement. The Office of the Attorney General therefore informs the Court of its intent to proceed with this action.
 - None of the above three statements fully describes the status of this case. Contemporaneously with the filing of this report, the Office of the Attorney General of the State of Nevada is filing a separate document detailing the status of this case.

Submitted this _____ day of _____, _____ by:

Attorney Name: _____

Print

Signature

Address: _____

Phone: _____

Email:

Email: